



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**JUN 11 2003**

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article Number: 7001 0320 0002 3199 8939

James B. Hogle, III  
Vice President, Facilities & Construction  
Jersey City Medical Center  
50 Baldwin Avenue, 5<sup>th</sup> Floor Surgical Building  
Jersey City, NJ 07304

Re: **RCRA § 3007 Information Request/  
Notice of Violation  
Jersey City Medical Center, EPA ID # NJR 000 008 995**

**RCB # 03-0000-3007-077**

Dear Mr. Hogle:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), the EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Information Request and Notice of Violation, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New Jersey is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New Jersey.

The Notice of Violation (NOV) portion of this letter (see ENCLOSURE I) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. §§ 6901, 6928. Issuance of this NOV and compliance or non-compliance with its terms does not in any way preclude EPA from taking formal enforcement action against Jersey City Medical Center (hereinafter, JCMC), including monetary penalties, under § 3008 of RCRA, 42 U.S.C. § 6928, and any other applicable regulation or statute.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in ENCLOSURE II, using the instructions and definitions included in ENCLOSURE III. This information is necessary to further determine the compliance status of JCMC.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your facility, JCMC, using the form in ENCLOSURE IV to this letter.

The response to the request in the ENCLOSURES must be mailed to the following address:

Ms. Marianna Dominguez  
Environmental Engineer  
RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency- Region 2  
290 Broadway, 22nd Floor  
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed with the legend, or other suitable form of notice, such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 U.S.C. Part 3501 et seq.

Failure to respond in full or in part to the above requirements is a violation of RCRA and will result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the potential assessment of a monetary penalty. Such penalties may be up to \$27,500 per day per violation.

When submitting your response, please attach to the Certification of Answers to Request for Information (ENCLOSURE IV, below) a list of persons by name, position or title, and company who prepared or assisted in the preparation of the responses to this information request. Please also provide a brief description of the basis for their association with JCMC. Please enclose enough information to document your answers.

For consistency, please provide your answers in a format which is keyed to the sections as outlined in ENCLOSURE II to this letter.

If you have any questions regarding this matter, please contact Ms. Marianna Dominguez at (212) 637-4154 or e-MAIL [dominguez.marianna@epa.gov](mailto:dominguez.marianna@epa.gov).

Sincerely Yours,

Original signed by  
George C. Meyer, P.E.  
Chief, RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance

Enclosures: ENCLOSURE I – Notice of Violation  
ENCLOSURE II – Information Request  
ENCLOSURE III – Instructions & Definitions  
ENCLOSURE IV – Certification of Answers

cc: Jeffrey Sterling, Supervisor (w/enc)  
Hazardous Waste Compliance  
New Jersey Department of Environmental Protection

Ms. Karen O'Keefe, Chief Operating Officer  
Jersey City Medical Center  
50 Baldwin Avenue, 5<sup>th</sup> Floor Surgical Building  
Jersey City, NJ 07304

bcc: Marianna Dominguez, 2DECA/RCB/HWCS (w/enc.)  
RCRA file (w/enc.)

**ENCLOSURE I - NOTICE OF VIOLATION  
JERSEY CITY MEDICAL CENTER  
EPA ID # NJR 000 008 995**

On or about April 16, 2003, April 17, 2003 and April 23, 2003, duly authorized representatives of EPA conducted a RCRA Compliance Evaluation Inspection (CEI) of JCMC pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. At the time of the inspection, it was found that JCMC usually generates less than 1,000 kg. of hazardous waste per month thus classifying it as a Small Quantity Generator ("SQG") of hazardous waste, and it is subject to those rules and regulations specified at 40 CFR Part 262 and NJAC 7:26G-6. Based on the applicable rules and regulations, EPA has determined that JCMC potentially violated numerous requirements at

1. 40 CFR § 262.20(a)(NJAC 7:26G-6.1) requires that a generator who offers for transportation hazardous waste for offsite treatment, storage or disposal must prepare a Manifest OMB control number 2050-0039 on EPA form 8700-22, and, if necessary, EPA form 8700-22A.

Jersey City Medical Center sends for offsite disposal without a Manifest the following hazardous wastes:

chemo waste,  
silver waste from the X-Rays room, and  
residuals of mercury/silver amalgam generated at the dental clinic

2. 40 CFR§262.11 (NJAC 7:26G-6.1) requires that a person who generates a solid waste as defined in 40CFR 261.2, must determine if that waste is a hazardous waste using the following method:

- (a) He should first determine if the waste is excluded from regulation under 40CFR§261.4
- (b) then determine if the waste is listed as a hazardous waste in subpart D of 40 CFR§261.
- (c) for purposes of compliance with 40 CFR Part 268, or if the waste is not listed as a hazardous waste in subpart D of 40CFR part 261, the generator must then determine whether the waste is identified in subpart C of 40 CFR part 261 by either:

(1) Testing the waste according to the methods set forth in subpart C of 40 CFR part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or

(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

Jersey City Medical Center has poured into the laboratory sink drain about 170 Kg/month of flammable (flash point 112°F) and spent solvents without making a hazardous waste determination.

3. 40 CFR§ 273.14(a) requires that a small quantity handler of universal waste must label or mark the universal waste batteries (i.e. each battery) or a container in which the batteries are contained, must be labeled or marked clearly with anyone of the following phrases: "Universal Waste-Battery(ies)", or "Waste Battery(ies)", or "Used Battery(ies)".

Jersey City Medical Center had a pile of spent batteries to be returned to the manufacturer with no labels on them.

4. 40 CFR§273.15(c)(2) requires that a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste. The handler may make this demonstration by marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste.

Jersey City Medical Center had a pile of spent batteries to be returned to the manufacturer with no dates on them.

Please correct the hazardous waste violations and/or areas of concerns cited immediately. Within thirty (30) days of receiving this Notice of Violation, please submit to EPA the following:

1. A written description of the actions taken or that will be taken to correct each of the violations and/or concerns. Please be specific.
2. Documentation, wherever appropriate, verifying that the violations have been corrected. Documentation may include photographs, bills for work that was done, work plans, purchase records, standard operating procedures (old, revised, new), records, meeting notes, and the like, and,
3. A written account of changes in facility management practices sufficient to prevent a recurrence of the violations and/or concerns.

**ENCLOSURE II**  
**RCRA § 3007 Information Request**  
**JERSEY CITY MEDICAL CENTER**  
**EPA ID # NJR 000 008 995**

On April 16, 2003, April 17, 2003 and April 23, 2003, duly authorized representatives of EPA conducted a RCRA compliance evaluation inspection ("CEI") of JCMC, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. Based on a review of the information obtained during and after the inspection, we have determined that the following information is additionally required to evaluate the hazardous waste compliance at JCMC:

1. At the time of the inspection, the NJPDES Permit issued by the Passaic Valley Sewerage Commissioners (PVSC) did not allow waste that had a flash point of  $<140^{\circ}\text{F}$  to be disposed of in the sewer, did the PVSC modify the NJPDES Permit for Jersey City Medical Center to permit the discharge of flammable spent solvents with flash point of  $112^{\circ}\text{F}$ , and of spent alcohols drained in the sink? If so, please send a copy of the modification.

If the PVSC did not modify the NJPDES Permit, please describe how the spent solvents and alcohols will be handled, collected, stored and disposed of.

2. a) Is the silver photo processing waste from the X-Ray room recovered in house?  
b) How much silver waste is generated at the facility ?  
c) How are the spent cartridges from silver recovery unit handled?  
d) If the silver waste is shipped off site, where is it shipped to?  
e) Who does the transportation?  
Please submit manifest records for the shipping of silver waste.

3. a) Describe how mercury waste generated from equipment breaks, i.e., broken thermometers or manometers, or other pressure gages or equipment with mercury switches, is handled, stored and disposed of.  
b) Describe how mercury lamps, that are taken out of service, are handled, stored and disposed of.  
c) For how long is the mercury waste stored on site?

4. a) How is the lead waste generated at the dental clinic handled, stored, and disposed of.  
b) Describe how the dental traps at the dental units are cleaned and how the waste is handled.  
c) How is the mercury/silver amalgam waste generated at the dental clinic handled.

5. How much chemo waste is generated at JCMC?

6. Describe how the hazardous waste to be generated at the closure of Jersey City Medical Center will be handled.

**ENCLOSURE III**  
**INSTRUCTIONS AND DEFINITIONS**  
**RCRA § 3007 Information Request**  
**JERSEY CITY MEDICAL CENTER**  
**EPA ID # NJR 000 008 995**

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The college/university/academy and/or facility for the purposes of this Request for Information is Jersey City Medical Center, located in Jersey City, New Jersey.
11. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5) and in 40 C.F.R., Section 261.3.
12. Manage shall be defined for the purposes of this Request for Information as generate, treat, store, dispose or otherwise handle.



13. Standards applicable to transporters of hazardous waste shall be those as established in 40 C.F.R. Part 263.
  14. Hazardous constituents shall be defined as those substances listed in 40 C.F.R. Part 261, Appendix VIII.
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**ENCLOSURE IV**  
**Certification of Answers to Responses to Request for Information**  
**RCRA § 3007 Information Request**  
**JERSEY CITY MEDICAL CENTER**  
**EPA ID # NJR 000 008 995**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type), NAME of COMPANY

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE